

Docket No.: NFCS-01-027

**DECLARATION & POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that.

My correct residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR PRECISION TUNING AN OPTICAL FILTER  
USING A BALL-END JOINT**

The specification of this subject matter:

☒ is attached hereto.

☐ was filed on \_\_\_\_\_

☐ was assigned serial No. \_\_\_\_\_ ;

☐ which was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)****Priority Claimed**

| Number | Country | Month/Day/Year Filed | Yes | No |
|--------|---------|----------------------|-----|----|
| Number | Country | Month/Day/Year Filed | Yes | No |
| Number | Country | Month/Day/Year Filed | Yes | No |

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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

|                    |                        |
|--------------------|------------------------|
| <u>60/228,908</u>  | <u>August 29, 2000</u> |
| Application Number | Filing Date            |

|                    |             |
|--------------------|-------------|
| Application Number | Filing Date |
|--------------------|-------------|

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

|                   |                      |                                     |
|-------------------|----------------------|-------------------------------------|
| <u>09/617,736</u> | <u>July 17, 2000</u> | <u>Pending</u>                      |
| Application No.   | Filing Date          | Status (Issued, Pending, Abandoned) |

|                   |                          |                                     |
|-------------------|--------------------------|-------------------------------------|
| <u>09/713,634</u> | <u>November 14, 2000</u> | <u>Pending</u>                      |
| Application No.   | Filing Date              | Status (Issued, Pending, Abandoned) |

|                 |             |                                     |
|-----------------|-------------|-------------------------------------|
| Application No. | Filing Date | Status (Issued, Pending, Abandoned) |
|-----------------|-------------|-------------------------------------|

|                 |             |                                     |
|-----------------|-------------|-------------------------------------|
| Application No. | Filing Date | Status (Issued, Pending, Abandoned) |
|-----------------|-------------|-------------------------------------|

I hereby appoint Kenneth D'Alessandro, Registration No. 29,144, Timothy A. Brisson, Registration No. 44,046, Andrew V. Smith, Registration No. 43,132, Seong-Kun Oh, Reg. No. P48,210, Michael A. Blake, Registration No. 42,333, Nancy Lord Johnson, Reg. No. 46,462, Andrew D. Gathy, Reg. No. 46,441, Nicole E. Coppes-Gathy, Reg. No. 46,640, Kristin C. Castle, Reg. No. 47,208, Joseph T. FitzGerald, Registration No. 33,881, and all Registered Attorneys and Registered Agents of Sierra Patent Group, Ltd. as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith, and certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, a copy of which is attached, from the inventor(s) of the patent application identified above.

Please send all correspondence and direct all telephone calls to:

Timothy A. Brisson  
Sierra Patent Group, Ltd.  
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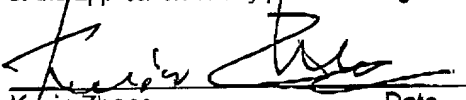
I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

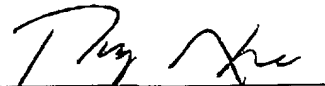
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|                           |                                  |                          |                           |
|---------------------------|----------------------------------|--------------------------|---------------------------|
| FULL NAME OF INVENTOR 1   | FIRST Name                       | MIDDLE Initial(s)        | LAST Name                 |
|                           | Kevin                            |                          | Zhang                     |
| RESIDENCE AND CITIZENSHIP | City                             | State or Foreign Country | Country of Citizenship    |
|                           | Santa Clara                      | CA                       | United States             |
| POST OFFICE ADDRESS       | Number and Street                | City                     | State or Country Zip Code |
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|                           |                        |                          |                           |
|---------------------------|------------------------|--------------------------|---------------------------|
| FULL NAME OF INVENTOR 2   | FIRST Name             | MIDDLE Initial(s)        | LAST Name                 |
|                           | Ping                   |                          | Xie                       |
| RESIDENCE AND CITIZENSHIP | City                   | State or Foreign Country | Country of Citizenship    |
|                           | San Jose               | CA                       | United States             |
| POST OFFICE ADDRESS       | Number and Street      | City                     | State or Country Zip Code |
|                           | 1272 Chessington Drive | San Jose                 | CA 95131                  |

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

 8/28/01  
 Kevin Zhang Date

 8/28/01  
 Ping Xie Date